

DEPARTMENT OF PLANNING
STAFF REPORT

5
Supplemental
Information

BOARD OF SUPERVISORS PUBLIC HEARING

DATE OF HEARING: June 7, 2010 DECISION DEADLINE: July 7, 2010¹
CMPT 2010-0002, SPEX 2009-0041, SMPI 2010-0001
Potomac Interceptor Odor Abatement Site
PROJECT PLANNER: Marchant Schneider DIRECTOR: Julie Pastor
ELECTION DISTRICT: Sugarland Run

EXECUTIVE SUMMARY

The District of Columbia Water and Sewer Authority of Washington, DC, has submitted applications to permit a sanitary sewer odor abatement facility within an existing sanitary sewer easement associated with Potomac Interceptor (PI). The PI conveys wastewater north from Dulles International Airport and along to the Potomac River to the Blue Plains Advanced Wastewater Treatment Plant in Washington, DC. The sewer line also accepts wastewater flows from Loudoun and Fairfax Counties. The PI Long-Term Odor Abatement Program utilizes a variety of odor abatement techniques to mitigate odor associated with the PI as well as preclude gaseous conditions corrosive to the concrete lining of the PI.

The proposal encompasses a 2.6-acre portion of a 100-acre parcel owned by the Northern Virginia Regional Park Authority (NVRPA) and is identified as "Site #46". The parcel is associated with Algonkian Regional Park to the north and Potomack Sportsplex to the west (See Vicinity Map). The application is subject to the Revised 1993 Zoning Ordinance and the area is governed by the policies of the Revised General Plan (Suburban Policy Area (Potomac Community)) which designate this area for Residential use. Because the subject property lies within the 100-year floodplain associated with Potomac River, the Applicant is required to submit a Special Exception application to request operation of a public utility within the Floodplain Overlay District (FOD). The proposal requires a Commission Permit in accordance with Section 6-1101. The applicant has also requested approval of a Minor Special Exception application to substitute existing vegetation for the minimum Type 4 Buffer Yard required for public utilities.

This report provides updated information related to the Planning Commission review and recommendation for this application.

¹ The CMPT application requires action by the Board within 60 days of Commission approval, which is July 25, 2010.

RECOMMENDATIONS

Planning Commission

The Planning Commission voted unanimously (9-0) to approve the Commission Permit and recommend approval of the Special Exception application at its hearing on May 26, 2010. Under the Revised 1993 Zoning Ordinance, a Minor Special Exception to substitute existing vegetation for the minimum Type 4 Buffer Yard required for utility facilities does not require a public hearing or recommendation by the Planning Commission (Section 5-621(B)).

Staff Recommendation

Staff recommends the application be forwarded to the July 7, 2010 Board Business Meeting for action. Staff continues to work with the Applicant to finalize architectural details of the proposed equipment enclosure as well as to complete text revisions to the SPEX Plat and associated Conditions of Approval. The County Attorney's office will be asked to review these revisions prior to Board action.

In light of the status of the applications, Staff supports the request to locate a public utility within the FOD. The proposed odor abatement facility is consistent with the existing land use policies of the Revised General Plan and is an innovative approach to addressing air quality concerns associated with the Potomac Interceptor. The proposed architectural treatments will minimize visual disruption to established recreation and residential uses in proximity to the subject site. Staff further supports the proposed Minor Special Exception. The use of existing mature tree stands and vegetation improves upon the existing buffering and screening requirements of the Zoning Ordinance for public utilities.

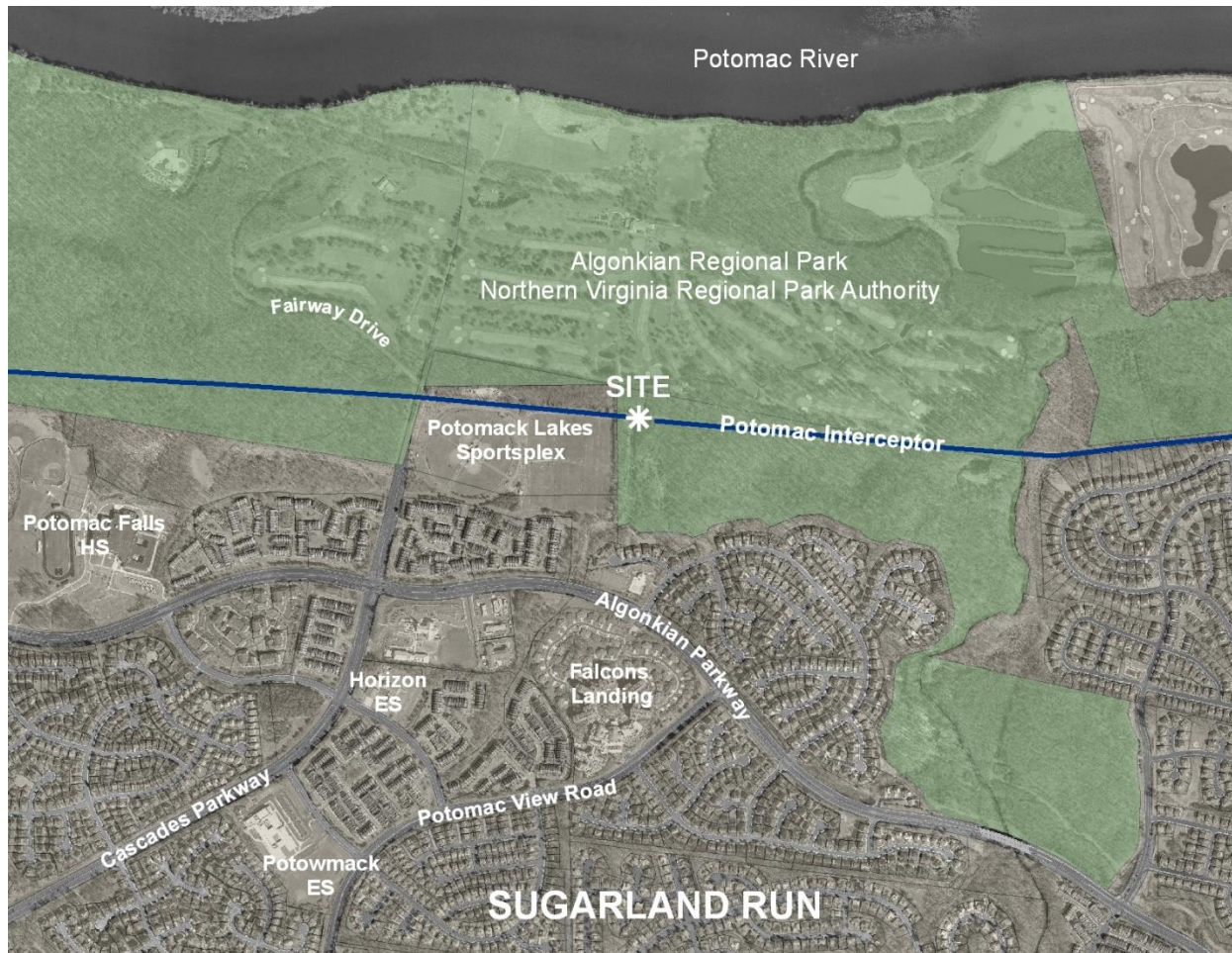
SUGGESTED MOTIONS

1. I move that the Board of Supervisors forward CMPT 2010-0002, SPEX 2009-0041, and SPMI 2010-0001, Potomac Interceptor Odor Abatement Site, to the July 7, 2010 Business Meeting for action.

OR,

2. I move an alternate motion.

VICINITY MAP



Directions:

From Leesburg, Take Route 7 east to Cascades Parkway north to Algonkian Regional Park. The entrance to the proposed facility is on the east side Cascades Parkway where the road transitions to Fairway Drive. The subject parcel is south of Algonkian Regional Park, east of the Potomack Lakes Sportsplex, about 0.3 mile north of the intersection of Algonkian Parkway and Cascades Parkway.

REFERRAL AGENCY COMMENT SUMMARY

TOPIC / ISSUE AREA	ISSUES EXAMINED AND STATUS
Land Use	<ul style="list-style-type: none"> ○ (SPEX Application) Consistency with land use policies of the <u>Revised General Plan</u> (RGP). Status: No Issue. The odor abatement facility is compatible with adjacent uses (recreation/residential) which have been established consistent with the Residential land use designation. ○ (Commission Permit). General location, character, and extent of public utility to be in substantial conformance with land use policies of the RGP. Status: No issue. Odor abatement facility to augment existing sanitary sewer established consistent with wastewater policies of the RGP. ○ Implement Green Infrastructure policies (river corridor resources, forest resources, archeological resources). Commitments to LID, tree protection, supplemental plantings recommended. Complete Phase 1 archaeological study required. Status: Resolved. Condition of Approval recommended and agreed to by Applicant (Condition 3). Waiver of full Phase 1 survey requested. ○ Commit to site design elements (depicted architectural treatments). Status: Unresolved. Conditions of Approval recommended and agreed to by Applicant (Condition 4); however, additional information regarding building details and materials listed on Sheet 6 of SPEX Plat requested by Staff.
Environmental	<ul style="list-style-type: none"> ○ Identify site selection process given location within 100-year floodplain. Status: No Issue. Location based on requirement for co-location with existing Potomac Interceptor sanitary sewer (PI) within floodplain and spacing requirements in relation to other odor abatement facilities along PI. ○ Described anticipated noise levels associated with active blower units. Status: Resolved. Condition of Approval recommended and agreed to by Applicant (Condition 6). ○ Provide tree preservation plan and associated tree protection measures at time of site plan. Status: No Issue. ○ Clarify SWM/BMP plan described in applicant narrative. Status: SWM/BMP narrative added to SPEX Plat. Condition of approval recommended and agreed to by Applicant (Condition 3).
Zoning	<ul style="list-style-type: none"> ○ Special Exception necessary to establish odor abatement facility in PDH-4 Zoning District. Status: No issue. Sanitary sewer easement established pursuant to ZMAP 1986-0013, Potomac Lakes. SPEX application not required. ○ Compliance with <u>Revised 1993 Zoning Ordinance</u> requirements. Status: Resolved through plat notations, application revisions, Conditions of Approval.
Transportation	<ul style="list-style-type: none"> ○ Consistency with land use policies of the <u>Revised General Plan</u> (RGP) and the <u>Revised Countywide Transportation Plan</u>. Status: No issue. Traffic impact associated with proposed use negligible. Existing transportation facilities adequate to serve proposed use.
Emergency Services	<ul style="list-style-type: none"> ○ Availability of Emergency Services. Status: No issue.

TOPIC / ISSUE AREA	ISSUES EXAMINED AND STATUS
County Attorney	o Development conditions, review and approval to legal form. Status: Under Review
Disclosure of Real Parties	o Received, revised May 13, 2010

POLICY OR ORDINANCE SECTIONS SUBJECT TO APPLICATION
<u>Revised General Plan</u>
Chapter 2 / General Water and Wastewater Policies
Chapter 5 / Green Infrastructure
Chapter 5 / River and Stream Corridor Resources Policies
Chapter 5 / Surface and Groundwater text
Chapter 5 / Plant and Wildlife Habitat, Forest, Trees, and Vegetation
Revised Countywide Transportation Plan (CTP)
<u>Revised 1993 Zoning Ordinance</u>
Section 4-1500: Floodplain Overlay District
Section 5-600: Additional Regulations for Specific Uses
Section 6-1100: Commission Permit

PC REVIEW AND RECOMMENDATION

The Planning Commission held a public hearing for the above-mentioned applications on May 26, 2010. Staff noted the addition of three Conditions of Approval regarding commitments to acoustical treatments, buffer areas, and water well use as well as a reduction of the Special Exception Area from 10.5 acres to 2.64 acres. No members of the public spoke regarding the proposal.

Commissioners asked questions regarding the location criteria used to identify the subject site, operation and maintenance of the proposed odor abatement facility, safe pedestrian access along the access easement to be used during construction of the facility, and signage listing emergency contact information. One Commissioner noted the architecture of the facility should acknowledge the intent of the building (industrial) rather than how it is described (as a “19th Century” barn).

The Applicant explained the proposed location within floodplain was by necessity as the Potomac Interceptor was already located within the floodplain. Also, proximity to an existing lateral sewer line (operated by Loudoun Water) and spacing requirements of odor abatement facilities along the entire Potomac Interceptor dictated the site location. The Applicant agreed to demarcate a pedestrian lane along the existing access easement to be used during construction of the facility as well as erect signage indicating emergency contact information.

Following its discussion of the application, the Planning Commission voted unanimously (9-0) to approve the Commission Permit and recommend approval of the Special Exception applications, subject to Conditions of Approval dated May 26, 2010, with revision noted above, and based on the Findings listed below (*revised Conditions of Approval with PC recommended additions attached, dated June 2, 2010*).

FINDINGS

1. The general location, character, and extent of the sanitary sewer odor abatement facility within an existing sanitary sewer easement is in substantial accord with the existing land use policies of the Revised General Plan (RGP) (Suburban Policy Area, Potomac Community).
2. The proposed special exception for a sanitary sewer odor abatement facility is compatible with established uses on similarly planned properties adjacent to the site consistent with the existing land use policies of the RGP for the subject area (Suburban Policy Area – Residential).
3. The design of the public utility is an innovative approach to addressing air quality concerns associated with the Potomac Interceptor and will minimize visual disruption to established recreation and residential uses in proximity to the subject site.
4. The proposed commission permit and special exception for a sanitary sewer odor abatement facility in the Floodplain Overlay District (FOD) is in accordance with the Revised 1993 Zoning Ordinance.

An additional Finding for SPMI 2010-0001 is appropriate:

5. The use of existing mature tree stands and vegetation to screen the odor abatement facility improves upon the existing buffering and screening requirements for public utilities (Section 5-621(B)). Subject to the prescribed development condition (Condition 7), the proposed Minor Special Exception use will be in accordance with the Revised 1993 Zoning Ordinance.

SUMMARY OF OUTSTANDING ISSUES

As noted above, Staff continues to work with the Applicant to finalize architectural details of the proposed equipment enclosure (*see Department of Planning Memorandum, attached, dated May 17, 2010*) as well as complete text revisions to the SPEX Plat and associated Conditions of Approval. The County Attorney's office will be asked to review these revisions prior to Board action. A full analysis of the application was described in the May 26, 2010 Planning Commission Public Hearing Staff Report previously distributed to the Board.

MINOR SPECIAL EXCEPTION – BUFFER YARD REQUIREMENTS, PUBLIC UTILITIES

Applicant Request and Justification

The Applicant has submitted a Minor Special Exception application to substitute existing vegetation for the minimum Type Four Buffer Yard required for public utilities (Section 5-621(B)). The modification of the Additional Regulations is authorized by Minor Special Exception under Section 5-600, *Additional Regulations for Specific Uses*. A Type Four Buffer requires more intense opaque vegetative plantings than lesser buffers to include increased evergreen tree plantings as well as a six foot high fence, wall, or berm providing a minimum opacity of 95% alongside and rear yards. In their justification for such a modification, applicants are to demonstrate how the proposed modification achieves an innovative design, improves upon the existing regulation, preserves the County's historic or archeological heritage, or otherwise exceeds the public purpose of the existing regulation per Section 5-600 of the Ordinance.

The Applicant states the project has been deliberately planned in such a manner as to preserve green infrastructure elements found on the site (floodplain to the Potomac River, associated wetlands, etc.) and reduce disturbance to existing forest cover. The Applicant has also submitted building elevations designed to replicate 19th Century architecture found within the County. The design is intended to both screen equipment associated with the odor abatement facility as well as soundproof equipment within the building.

Staff Review and Recommendation

Staff has determined that the design of the public utility and use of existing vegetation is an innovative approach to minimizing visual disruption to established recreation and residential uses in proximity to the subject site and improves upon the existing buffering and screening requirements of Zoning Ordinance. To further increase buffering and screening of the proposed use, Staff has recommended a Condition of Approval requiring the Applicant to supplement existing vegetation to achieve 3,500 square feet of tree canopy cover within the hatched area shown on Special Exception Plat Sheet 5 ("Illustrative Landscape Plan") (Condition 6). This area is approximately equal to the area of the structure and associated parking / loading areas.

As noted above, a Minor Special Exception to substitute existing vegetation for the minimum Type 4 Buffer Yard required for utility facilities does not require a public hearing or recommendation by the Planning Commission; however, the Zoning Ordinance Criteria for Approval listed below are to be given reasonable consideration by the Board of Supervisors.

ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1310 of the Revised 1993 Loudoun County Zoning Ordinance states "In considering a special exception application, the following factors shall be given reasonable consideration. The Applicant shall address all the following in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by this Ordinance":

- (A) *Whether the proposed special exception is consistent with the Comprehensive Plan.*

Analysis: Revised General Plan (RGP) policies direct that community infrastructure complement the County's land use strategy (Residential) and be constructed in a manner that causes the least visual disruption to the surrounding community. The use of existing mature tree stands and vegetation improves upon the existing buffering and screening requirements of the Zoning Ordinance for public utilities. Proposed architectural treatments will minimize visual disruption to established recreation and residential uses in proximity to the subject site. The Applicant has also agreed to supplement existing vegetation to further screen the proposed odor abatement facility (Condition 7).

- (B) *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

Analysis: Not applicable.

- (C) *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.*

Analysis: Not applicable.

- (D) *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.*

Analysis: No exterior lighting is proposed with the project.

- (E) *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.*

Analysis: The design of the public utility and use of existing vegetation will minimize visual disruption to established recreation and residential uses in proximity to the subject site and is compatible with established uses on similarly planned properties adjacent to the site (Residential).

- (F) *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

Analysis: The subject site is surrounded by significant wooded areas associated with Algonkian Regional Park. The site has been deliberately designed to reduce areas of disturbance. Mature vegetation along the perimeter of the special exception area will be supplemented to replace the approximate area of the proposed odor abatement facility and associated parking / loading areas (3,500 square feet) and provide additional screening.

- (G) *Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.*

Analysis: No topographic or physical, natural, scenic, archeological, or historic features of significant importance has been identified within the special exception area as stated in study waivers requested by the Applicant.

- (H) *Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.*

Analysis: The proposed minor special exception is intended to reduce areas of disturbance, thereby limiting damage to existing animal habitat, vegetation, water quality, and air quality. Access to the site is via an existing access easement and will not require additional land disturbance. Conditions of Approval require multiple commitments to groundwater quality. The application preserves appropriate environmental resources on the Property and the residual disturbance to wildlife habitat is acceptable.

- (I) *Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.*

Analysis: Use of existing vegetation and supplemental plantings will minimize visual disruption to the surrounding community and recreational facilities, consistent with RGP policies. The proposal will facilitate the odor abatement facility's intent to reduce odors to improve air quality as well as preserve the integrity of the Potomac Interceptor, to which both actions are intended to promote the welfare of the public.

- (J) *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.*

Analysis: Not applicable.

- (L) *Whether the proposed special exception will be served adequately by essential public facilities and services.*

Analysis: Not applicable.

- (M) *The effect of the proposed special exception on groundwater supply.*

Analysis: The proposed minor special exception is intended to preserve existing vegetation by limiting areas of disturbance. Existing vegetation will be supplemented to achieve an area equivalent to the odor abatement facility and associated loading / parking areas. Both actions will have a positive effect on groundwater supply.

- (N) *Whether the proposed use will affect the structural capacity of the soils.*

Analysis: The request to substitute existing vegetation for the required Type 4 Buffer Yard for public utilities will decrease area of disturbance and will therefore reduce impact to the structural capacity of soils on the subject site.

- (O) *Whether the proposed use will negatively impact orderly and safe road development and transportation.*

Analysis: Not applicable.

- (P) *Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.*

Analysis: Not applicable.

- (Q) *Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.*

Analysis: Not applicable.

- (R) *Whether adequate on and off-site infrastructure is available.*

Analysis: Not applicable.

- (S) *Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.*

Analysis: Not applicable.

- (T) *Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.*

Analysis: Not applicable.

ATTACHMENTS

1. Draft Conditions of Approval (June 2, 2010)
2. Department of Planning, Community Information and Outreach, Memorandum dated May 17, 2010.
3. SPEX / CMPT / SPMI Plat dated April 21, 2010, revised through May 28, 2010